

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

United States of America,	)	
	Plaintiff,	)
vs.	)	Case No. 09-0387-01-CR-W-FJG
Charles J. Irving,	)	
	Defendant.	

**ORDER**

Pending before the Court is the issue of defendant's mental competency. On March 12, 2010, defendant filed a motion for determination of competency (Doc. #20) which was granted by United States Magistrate Judge Sarah W. Hays (Doc. #21, March 22, 2010). Judge Hays held a hearing regarding defendant's mental competency on June 9, 2010, at which time the parties stipulated to the forensic evaluation by David E. Morrow, Ph.D (Doc. #26, May 26, 2010).

Judge Hays issued a report and recommendation (Doc. #31), filed June 17, 2010, finding that defendant is competent. No objections to the report and recommendation were filed.

The Court, after independent review of the record and applicable law, finds that defendant is competent to understand the nature and consequences of the proceedings against him and to properly assist in his own defense, and that he is competent to stand trial.

IT IS SO ORDERED.

/s/Fernando J. Gaitan, Jr.  
Judge Fernando J. Gaitan, Jr.  
Chief United States District Judge

Dated: 7/1/2010  
Kansas City, Missouri